

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IL VENTURES, LLC – A KETTLEBELL	§	
KING SERIES, CHAD PRICE, PRICE	§	
DIGITAL CONSULTANTS, LLC,	§	
JAY PERKINS and NEHEMIAH HEARD,	§	
Individuals,	§	
	§	
Plaintiffs,	§	
v.	§	Case No. 1:23-cv-00749-ML
	§	
FACTORY 14 UK ACQUISITION VI,	§	
LTD., FACTORY 14 UK ACQUISITION	§	
VII, LTD., FACTORY 14 UK	§	
ACQUISITION S.A.R.L. and RAZOR	§	
GROUP GMBH,	§	
	§	
Defendants.	§	

PLAINTIFFS IL VENTURES, LLC - A KETTLEBELL KING SERIES,
CHAD PRICE, PRICE DIGITAL CONSULTANTS, LLC, JAY PERKINS
AND NEHEMIAH HEARD’S DESIGNATION OF EXPERTS

Pursuant to paragraph 4 of the First Amended Scheduling Order entered by the Court on November 20, 2024, Plaintiffs IL VENTURES, LLC - A KETTLEBELL KING SERIES, CHAD PRICE, PRICE DIGITAL CONSULTANTS, LLC, JAY PERKINS and NEHEMIAH HEARD (collectively, “Plaintiffs”), hereby designate as expert witnesses the following person(s) who may be used at trial to present evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence:

1. Ernest Anton Janik, Jr. (aka “EJ Janik”)
Janik Forensics, PC
Dallas, Texas
(214) 720-9192

Mr. Janik is the Senior Principal of Janik Forensics, PC, and he may be called to testify as to damages. His curriculum vitae is attached hereto as **Exhibit “A”**.

2. Chadwick T. Price
Price Digital Consultants, LLC
c/o Sheils Winnubst PC
1701 N. Collins Blvd., Suite 1100
Richardson, Texas 75080
(972) 644-8181
- (i) Mr. Price is an owner and the Managing Member of IL Ventures, LLC - a Kettlebell King Series, and owner and the Managing Member of Price Digital Consultants, LLC, and he may be called to testify as to damages and as to the e-commerce industry, including the fitness e-commerce industry. His curriculum vitae is attached hereto as **Exhibit “B”**. Mr. Price’s resume is attached as **Exhibit “C”**.
- (ii) Mr. Price is expected to testify as to the following:
 - a. facts and details supporting the development of Plaintiffs’ damages model, which has been produced and shows a range of applicable damage;
 - b. overall trajectory of the e-commerce fitness industry;
 - c. business operations in the e-commerce space, including D2C sales and B2B sales; and
 - d. *see also see the deposition of Chadwick Price.*

Plaintiffs reserve the right to designate additional experts pursuant to any further orders of the Court, if any, and will do so within applicable time limits set forth by the Court.

Respectfully submitted,

SHEILS WINNUBST, PC

By: /s/ Latrice E. Andrews

Mark D. Winnubst

State Bar No. 21781200

Latrice E. Andrews

State Bar No. 24063984

1100 Atrium II

1701 N. Collins Boulevard

Richardson, Texas 75080

Telephone: 972-644-8181

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E-mail: latrice@sheilswinnubst.com

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

In accordance with Fed. R. Civ. P. 5(b)(2)(E) and (b)(3), I hereby certify that a true and correct copy of the above and foregoing Plaintiffs' Designation of Experts was served upon counsel of record for Defendants, Scott D. Ellis, Katie M. Harrington and Cassie Georgantas, Foley & Lardner, LLP, 1000 Louisiana St., Suite 2000, Houston, Texas 77002, via certified mail, return receipt requested, on this 10th day of March, 2025.

/s/Latrice E. Andrews

Latrice E. Andrews

BRYAN A. FINLEY, CPA, CFF, CFE
PRINCIPAL
JANIK FORENSICS, PC
400 N. ST. PAUL ST. STE 600, DALLAS, TEXAS 75201
BRYAN.FINLEY@JANIKPC.COM
(214) 914-4163



CURRICULUM VITAE

SUMMARY OF PROFESSIONAL PRACTICE

Mr. Finley has provided services in the areas of forensic accounting, fraud examination and litigation support since 1990, with practices located in New York, London, and Dallas. His areas of professional practice and areas of experience are summarized as follows:

- Mr. Finley provides professional services as a forensic accountant, expert witness, fraud examiner, arbitrator, and consultant to legal counsel for clients involved in complex civil litigation, corporate board and internal investigations, insurance claims, bankruptcies, actions by regulatory and investigative bodies, and similar matters.
- Mr. Finley advises on damages, loss claims, fraud, financial reporting, internal controls, alter ego, and other business, financial, and accounting issues.
- Subject matters for which Mr. Finley is commonly engaged include partnership and investor disputes, breaches of contract, fee disputes, tort, mass tort, professional negligence, misappropriation, bribery, conflicts of interest, whistleblower allegations, antifraud programs, fraud risk assessments, probate/trust matters, vendor fraud, M&A post-transaction accounting disputes, theft of trade secrets, net lost profits, royalties, business interruption, personal injury, environmental disasters and construction disputes.

EDUCATION

- Master in Professional Accounting, University of Texas at Austin, 1990
- Bachelor of Business Administration, University of Texas at Austin, 1990

PROFESSIONAL AFFILIATIONS

- American Institute of Certified Public Accountants (AICPA)
- Association of Certified Fraud Examiners (ACFE), Vice President, Dallas Chapter

ACCREDITATION

- Certified Public Accountant, Texas, since 1992
- Certified in Financial Forensics (by the AICPA), since 2009
- Certified Fraud Examiner (by the ACFE), since 2011



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PROFESSIONAL EMPLOYMENT HISTORY

- Janik Forensics, PC (Dallas) 2022-present
- Ryan Fraud and Forensic Recovery LLC (Dallas) 2010-2022
- BVA Group (Plano) 2009-2010
- Deloitte Financial Advisory Services LLP (Dallas) 2001-2009
- Lee and Allen Consulting Ltd (London) 1996-2001
- Price Waterhouse LLP (New York) 1990-1996

PUBLICATIONS AND PRESENTATIONS IN THE LAST TEN YEARS

Mr. Finley presents continuing education courses to practicing lawyers, fraud examiners, accountants, clients, and other professional associations.

- “Fraud Case Profile: FTX” author and presenter to ACFE Dallas Chapter, webinar (2024)
- “Motions to Strike: Lessons Learned” co-presenter, webinar (2023)
- “Best Practices: Calculating Damages, Lost Profits & Business Interruption” co-presenter, webinar (2023)
- “Working with Forensic Consulting Experts: Best Practices”, co-presenter, Dallas Bar Association Securities Law Section (2022)
- “Damage Documents: Priorities and Relevancy”, co-presenter (webinar, 2022)
- “Trust, But Verify – An Approach to Analyzing Trust & Estate Accountings”, co-author of article and related Texas Continuing Legal Education and ACFE courses (2021-22)
- “Business Fraud and Forensics” (webinar, 2020-2021)
- “Best Practices for Deposition and Expert Witnesses” (webinar, 2020)
- “M&A Post-Transaction Accounting Disputes” (webinar, 2020 and prior)
- “Ethical Considerations and Business Fraud” (UTA – EMBA, 2014)
- “Applications of Forensic Analytics” (various law firms, 2013-2014)
- “Ethics” (Ryan LLC new hire training, 2012 - 2014)

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EXPERT WITNESS TESTIMONY IN THE LAST FOUR YEARS

- Testified in deposition on behalf of the Plaintiff in a manufacturer-distributor dispute involving sales of Utility Terrain Vehicles (Cause No. DC-20-13300, Taizhou Nebula Power Co., Ltd. v. Massimo Motor Sports, LLC; In the District Court, 116th Judicial District, Dallas County, Texas), 2023.
- Testified in deposition on behalf of defendants in an oilfield services company dispute (Cause No. 53885, Three Global, LLC et al v. TDR Services, Inc. et al; In the 118th District Court in and for Howard County, Texas), 2022.
- Testified in deposition on behalf of the plaintiff in a matter involving allegations of improper property investment fund management (Cause No. DC-20-15967, Palazzo Holdings LLC, v. PASMAA GP Investment Fund, LLC, PASMAA GP Investment Fund Manager, LLC, Thakkar Development Group, LLC, Perfect Group Holdings LLC, Perfect Business Services, Inc., Saumil Thakkar, Poorvesh Thakkar, Mahesh Thakkar, Vaishali Thakkar, and Sam Sayani. In the District Court, 101st Judicial District, Dallas County, Texas), 2021.
- Testified in deposition on behalf of the plaintiffs in a personal injury matter, addressing alter ego indicia analysis of various Defendants (Cause No. 2017CI08566; Norma Iris Munoz, et al, Plaintiffs v. The Rowland Group, et al, In the District Court, 438th Judicial District, Bexar County, Texas), 2021.
- Testified at trial on behalf of the plaintiff in a matter involving claims of breach of contract and tortious interference in trucking shipment contracts (Case No. 219-02738-2020; J.W. Logistics Operations, LLC v. Tempo Transportation LLC; In the District Court, 219th Judicial District, Collin County, Texas), 2021.
- Testified in deposition on behalf of the plaintiffs in a dispute between shareholders in restaurant properties (Cause No. 2019-CI-20208, FRO's Group, LLC, Diana Garza, Individually and on Behalf of ISEI, LLC, and Blumen Lion, LLC, individually and on behalf of Fugu Springs, LLC v. Jesus A. Rodriguez Castro, individually and as managing member of ISEI, LLC, and in his capacity as president and managing member of Casbel, LLC, and Casbel, LLC, In the District Court, Bexar County, Texas 150th Judicial District), 2021.
- Testified in deposition on behalf of the respondent / counterclaimant in a profit-sharing dispute involving roofing and construction contracts (AAA Case No. 01-20-0004-8715; Standpoint Management, LLC f/k/a Disaster Consulting Services and Claims Advantage Network, LLC v. Inside-Out Roofing, Inc.), 2021.

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EXPERT WITNESS TESTIMONY IN THE LAST FOUR YEARS (CONTINUED)

- Testified in deposition on behalf of the plaintiff in a matter involving claims of breach of, and tortious interference with, trucking shipment contracts (Case No. 3:20-cv-1104-K; C&K Trucking, LLC, and Kenyon Collins v. Ardent Mills, LLC; In the United States District Court for the Northern District of Texas, Dallas Division), 2021.
- Testified in deposition on behalf of the defendant in a trademark infringement matter in the HVACR industry (Cause No. CIV-19-247-D; Packard, Inc. v. Wilspec Technologies, Inc.; in the United States District Court for the Western District of Oklahoma), 2020.
- Testified in deposition on behalf of the plaintiff in a real estate partnership dispute (Cause No. 2017-45711; Timothy Burns v. Adams Lasalle Realty, LLC et al; in the District Court of 11th Judicial District, Harris County, Texas), 2020.

Note: the above-listed matters are subject to Confidentiality Orders, Protective Orders, Confidentiality Agreements, or similar arrangements.

EXAMPLES OF OTHER EXPERT WITNESS ENGAGEMENTS

- Designated damages expert on behalf of the defendants in a matter relating to business interruption of a dental practice.
- Designated co-damages expert and signed an expert report on behalf of the defendants and counter-plaintiffs in a matter relating to breach of contract and other claims involving an aircraft maintenance business.
- Designated co-damages expert on behalf of the defendants-counterclaimants in a real property lease dispute.
- Designated damages expert and signed an expert report for the plaintiff in a profit-sharing dispute between franchise restaurant owners.
- Designated co-damages expert for the defendants in a matter involving alleged defective manufacturing equipment.
- Designated co-damages expert and filed an expert report on behalf of the defendant in a dispute between shareholders in a surgical facility.
- Designated damages expert and on behalf of the plaintiff in a matter alleging mismanagement of a trust.
- Designated damages expert and filed expert reports on behalf of the plaintiff in several matters involving alleged defects in apartment balcony construction.
- Designated damages expert for the plaintiff in a contract fee dispute related to online payment services.

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- Designated damages expert for a third-party defendant in a hospital building construction defect matter.
- Designated damages expert for the defendant in a construction defect matter involving a chemical manufacturing facility.

HIGHLIGHTS OF OTHER PROFESSIONAL EXPERIENCE

- Examined the overstatement of inventory and earnings by over \$10 million of a publicly-held jewelry store chain, reporting findings to the Board of Directors and SEC.
- Examined the alleged misappropriation of over \$2 million by the CFO of a health care services provider.
- Assisted various claimants, adjusters, and insurers in the creation and evaluation of business interruption loss calculations.
- Examined the misappropriation of over \$1 million by an employee of an investment management company, including reporting findings to the FBI.
- Analyzed patient billing, payer receipts, and accounts receivable as part of a False Claims Act relator (whistleblower) litigation alleging overbilling for prescription medications.
- Analyzed accounting and business documentation of various claimants with mass tort business interruption claims from the Deepwater Horizon accident in the Gulf of Mexico.
- Appointed independent neutral arbitrator or consultant in buy/sell agreement disputes in private arbitrations, including earn-out agreement and closing balance sheet issues.
- Consulted on several matters involving the alleged overpayment for businesses as a result of reliance by the purchaser on allegedly inaccurate representations and warranties.
- Analyzed disputed change order charges and developer fees assessed by general contractors involved in the construction of commercial, municipal, and residential construction in various matters.
- Quantified damages in various intellectual property matters, including patent, copyright, and trademark/trade dress matters; assessing infringing, lost and conveyed sales, price erosion, cost analysis, lost profits, and reasonable royalties.
- Analyzed claims of underpayment and delayed payment of incentive compensation for the sales staff of a technology company in a class action wage and hour litigation matter.
- Identified misleading financial reports, inappropriate accounting, diversion of property sales proceeds, improper contractor and vendor payments, and improper partnership distributions in various real estate partnerships.
- Analyzed forensic and valuation issues in various marital dissolution matters, including privately-held business interests, undisclosed assets and inappropriate expenditures.

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HIGHLIGHTS OF PROFESSIONAL EXPERIENCE (CONTINUED)

- Provided analysis of fiduciary accounting, bank account and investment activity in various estate and probate matters.
- Analyzed backdated stock option grants at a software company in a matter spanning 13 years and including 19 corporate acquisitions.
- Performed an examination into alleged corruption in the materials purchasing function of a Mexico-based subsidiary of a US-based food company.
- Prepared an analysis of the impact on the earnings and net assets of a bank due to unauthorized activity by a rogue options trader.
- Analyzed financial activity over a 10-year period of a company accused of operating a Ponzi scheme.
- Performed financial analysis and fact-finding to assist counsel in assessing the ability of defendants to pay judgments in various matters.
- Participated in “high-risk” public company audits as a fraud specialist, assisting in audit planning, evaluating internal controls, and monitoring board and internal investigations.
- Developed fraud risk assessments and tested antifraud programs and controls for various SEC registrants as part of Sarbanes-Oxley compliance programs.
- Assisted various companies in quantum of loss calculations for fidelity/crime policies.
- Performed financial fact-finding and analysis of various bankrupt companies, including asset searches, cash tracing, preference payments, plans of reorganization and preparation for prepackaged bankruptcy, on behalf of debtors, trustees, and creditor committees.

(Rev. 24-02)

Chad Price

Entrepreneur / Management Consultant

1801 Veneer Dr
Austin Tx 78748
832-265-8471
chadwick.price21@gmail.com

About

I am a seasoned serial entrepreneur with an impressive track record spanning over a decade. I founded Kettlebell Kings from scratch and orchestrated a remarkable 3 year multi-million dollar acquisition back in November of 2021. Today, it stands tall as a thriving international company, making waves in the esteemed Inc. 5000.

In 2019, I pivoted into another passion of mine, natural lifestyle products. My new company, Price Digital Consultants helps brands and online communities identify and use the knowledge base of their true Fans to maximize brand awareness, the user experience, and even operational efficiencies. I also work closely with my alma mater, Rice University, to help guide and inspire the next generation of entrepreneurs.

You can learn more about me here: www.chadprice.com My approach to business is the same as my approach to sports. Athletic competition is good, but outside the sports arena, competition takes new heights. My latest project was my debut book titled, "Preparing for Battle". In this book I draw upon his personal experience founding Kettlebell Kings.

"Preparing for Battle" covers a wide range of topics, from developing a winning mindset to creating a solid business plan, building a strong team, and navigating the challenges of scaling a modern-day business. The book is targeted at aspiring entrepreneurs and minority owned business leaders who are looking for actionable advice and insights that they can apply in their own lives and businesses. I believe that "Preparing for Battle" has the potential to be a valuable resource for anyone who is looking to unlock their full potential and achieve success in today's fast-paced and ever-changing business landscape.



EXPERIENCE

Price Digital Consultants LLC, Founder / CEO

September 2021 - Present

Location: Austin, Texas

Price Digital Consultants was created upon the sale of my company Kettlebell Kings to manage and oversee operations after the sale. My team specializes in multiple aspects of direct to consumer operations. Community building and consistent branding are woven into our strategic planning for both efficiency and growth of modern day direct to consumer brands..

Life Grows Green Inc., Founder / CEO

Dates Employed: June 2019 – Present

Location: San Francisco, California

LGG is a lifestyle brand founded by Chad Price. Our goal is to create a greener, more socially conscious planet utilizing the latest, most innovative, and regenerative methods to discover and create products derived directly from nature itself that contribute to a modern healthy lifestyle. Though a start-up, LGG has ambitious plans to grow beyond the borders of America by not only concentrating on what it can produce on its own, but equally creating partnerships that make products and services made by others more readily available.

Living.Fit, Founder/Managing Partner

Dates Employed: Jan 2018 – September 2021

Location: Austin, Texas

Responsibilities-

- B2B sales and corporate relationship management.
- Brand building and design.
- Overseeing certifications and user experience, both in person and virtual.
- Company event coordination and scheduling.
- Digital user experience.
- Product design.

Kettlebell Kings, Founder/Managing Partner, Fortune 5000 Company

Dates Employed: 2012 – March 2023

Location: Austin, Tx

Responsibilities include:

- Strategic business planning and development
- Research and development
- Custom kettlebell/manufacturing projects
- Event planning and coordinator
- Strategic legal contracts
- Social media campaign management

TransCanada, Business Analyst - Measurement and Forecasting

Dates Employed: Apr 2013 – Dec 2013

Location: Houston, Texas

Responsibilities Included:

- Calculating and preparing daily forecasting reports.
- Working with computer system model to forecast pipe capacity and peak system loads.
- Preparing state required paperwork.

TransCanada, Gas Controller

Dates Employed: Apr 2011 – Apr 2013

Location: Houston, Texas

Responsibilities Included:

- Operate natural gas pipeline system 10,000+ miles remotely from control room on a daily basis. Includes pressure and valve monitoring. Transportation of upward of 1 Billion Decatherm of natural gas daily.
- Coordinate large construction and repair operations
- Work with government and state officials during civilian and/or operational emergencies.
- 12 hour rotating day/night shifts

Smith Mobley, Inc., Project Manager/Commercial Seat Specialist

Dates Employed: Jan 2009 – May 2011

Location: Houston, Texas (Traveled Nationally)

Responsibilities Included:

- Commercial Bidding for private and government projects

- Commercial Seat Installation (Reliant Stadium, AstroDome, SuperDome, University of Texas, etc..)
- Project Lead. Leading medium size teams (10-40 persons)
- Residential and Commercial Demolition
- Residential Plumbing

Smith Mobley, Inc., Foreman

Dates Employed: Jan 2008 – Jan 2009

Location: Houston, Texas Area

Responsibilities Included:

- Leading small teams (3-7 persons)
- Residential and Commercial Demolition
- Residential and Commercial Remodeling
- Commercial Site Work
- Residential Plumbing
- Commercial Seat Installation

(10+) Companies, Bartender (Part Time)

Dates Employed: Feb 2008 – Apr 2011

Location: Houston, Texas

- -Private Events
- -Night Club/Bar Security and Bar Services

Cbeyond - now a Birch Company, Outside Sales Representative

Dates Employed: Mar 2007 – Nov 2007

Location: Houston, Texas

Responsibilities Included:

- Cold Calling 50+ locations daily
- Telemarketing
- Internet connection specialist. Sold business packages up to T1 connections.

Rice University, Telemarketer

Dates Employed: Jan 2004 – Jan 2006

Location: Houston, Texas

Responsibilities Included:

- Cold Call Alumni to update about school news and services.
- Respond to incoming inquiries

- Ask for donations to school.

Kaos Worldwide, Shipping/Sourcing Manager

Dates Employed: Apr 2003 – Jan 2004

Location: Houston, Texas Area

Responsibilities Included:

- Sourced raw materials from international suppliers.
- Coordinated raw material deliveries and placed invoices with product manufacturers.
- Shipped out daily orders, and bulk orders
- Worked with CEO, CMO, and product spokesmen strategic marketing campaigns

EDUCATION

Rice University, Business/Managerial Studies/Sports Management (Double Major)

- Dates attended: 2002 – 2007
- Full Football Scholarship
- Team Captain 2003-2007

Houston Community College, Construction Management (Certification)

- Dates attended: 2008 – 2008
- Certificate specialized in bid preparation, project management, and city code standards. Achieved this certificate to advance to a Project Manager within the current construction company.

AWARDS

- **Year 2019: INC 5000 - Kettlebell Kings**
- **Year 2020: INC 5000 - Kettlebell Kings**
- **Year 2021: INC 5000 - Kettlebell Kings**
- **Year 2022: INC 5000 - Kettlebell Kings**

Chad Price

Entrepreneur / Management Consultant

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832-265-8471
chadwick.price21@gmail.com

About

I am a seasoned entrepreneur that has founded multiple companies, which has given me a wide range of experiences in all aspects direct to consumer operations. My most notable company, Kettlebell Kings, was on the INC 5000 4 years consecutively. As the founder, I have played many roles and my specialties include strategic planning and execution, marketing and advertising, quality assurance, new product development, as well as specializing in organizational leadership. I am also a published author of "Preparing for Battle" which is a guide to preparing yourself for the battle of starting your own company.

EXPERIENCE

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- **Year 2020: INC 5000 - Kettlebell Kings**
- **Year 2021: INC 5000 - Kettlebell Kings**
- **Year 2022: INC 5000 - Kettlebell Kings**